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Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,	)	No. CR 06-0172-CRB
	)	
13 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER FOR CONTINUANCE FROM
14 v.	)	APRIL 19, 2006 THROUGH MAY 1, 2006
	)	AND EXCLUDING TIME FROM THE
15 ROBERT WAYNE SMITH,	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(8)(A))
16 Defendant.	)	
17	)	

18 With the agreement of the parties, and with the consent of the defendant, the Court enters  
19 this order scheduling a status hearing date of May 1, 2006 at 2:15 P.M., and documenting the  
20 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from April 19, 2006 through  
21 May 1, 2006. The parties agree, and the Court finds and holds, as follows:

22 1. The parties appeared before the Court on this matter on April 19, 2006. At that time,  
23 defense counsel was in the process of preparing for a trial in another matter and substitute  
24 counsel appeared. The Court continued the matter until May 1, 2006 at 2:15 p.m.

25 2. The United States recently provided defense counsel with electronic discovery which  
26 defense counsel is in the process of reviewing. Defense counsel also is in the process of  
27 evaluating whether any motions are appropriate.

28 3. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §

3161(h)(8)(B)(iv) to provide for continuity of defense counsel and to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

4. Accordingly, the Court finds that the ends of justice served by excluding the period from April 19, 2006 through May 1, 2006, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5. Therefore, and with the consent of the defendant, the Court (1) sets a status hearing date on May 1, 2006, at 2:15P.M., and (2) orders that the period from April 19, 2006 through May 1, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: 4-28-06 /s/ DAVID FERMINO  
Assistant Federal Public Defender

DATED: 5-1-06 /s/ MICHELLE MORGAN-KELLY  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: May 01, 2006

CHARLES R. BREYER  
United States District Court

